**Human Rights as a Free Zone for Citizens**

Historically, human rights can be explained within a very precise framework underpinned by some basic ideas regarding the role of the state and the position of the individual.\(^1\) The ideas of Enlightenment, first, and of liberalism, later, are characterized by the idea of state sovereignty combined with a true respect for the freedom of the individual. This construction requires a very interesting equilibrium. On the one hand, those who govern the country are entitled to do so; on the other hand, the individual is not left alone in the hands of the government. This idea explains why human rights are badly needed. They create a free zone—a playing garden where the individual can follow his own aspirations—without being curtailed by any state power whatsoever. Freedom of expression, freedom of religion, freedom of association, and freedom of press all confirm this idea. The sovereignty of the state is, to some extent, counterbalanced by the citizens’ individual and group rights. In this configuration, human rights are an important part of a global political construction.

**Horizontal Human Rights**

Gradually, human rights managed to obtain a better position within both society and the political system. History is not unimportant in that regard. Scepticism vis-à-vis unlimited or uncontrolled state power became increasingly apparent—especially after the totalitarian adventures of the last century, including Nazism and communism. Human rights were increasingly seen as the pinnacle of Western democratic

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culture. They became a sign of hope. The difference to the previous vision on human rights is obvious. From then onwards, human rights are no longer an element of some global political construction. They are far more important than any political construction whatsoever. They are the *conditio sine qua non* without which no political system can be legitimate. Human rights are no longer an element or a footnote; they belong to the hard core, the very center of occidental democracy.

This optimistic view, so characteristic of the years following World War II, also led to an extension of the field of application accorded to fundamental rights. Whereas originally fundamental rights were limited to the vertical relationship between citizens or individuals and their authorities, the horizontal dimension of fundamental rights became an important issue as well. Human rights turned out to be more than just a defensive mechanism in favor of the individual against the state; they can also be seen as a question raised about anti-discrimination norms that are also applicable in private relationships or freedom extended to a horizontal level.

*Crisis*

If one looks more closely at current developments with regard to the interpretation and application of fundamental rights, some form of crisis should be underscored. Human rights, of course, remain a cornerstone of Western democracy, but then again they are less absolute, less pure, and limpid than they used to be or than they were perceived to be just a few years ago.

Two factors contributed to the relative decline of human rights in the Western value scale. First, the events of 11 September 2001 did not pass without lasting consequences. Advocates of fundamental rights were no longer automatically on the winning side. Their plea in favor of freedom, until then virtually unchallenged, was counterbalanced by security concerns. In cases where citizens had to make a choice between freedom of religion and security, they tended to opt

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